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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,571	10/17/2001	Motoki Kato	450100-4886.1	7985
20999	7590	01/14/2005	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			AGUSTIN, PETER VINCENT	
			ART UNIT	PAPER NUMBER
			2652	

DATE MAILED: 01/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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Commissioner for Patents

The reply filed on September 13, 2004 is not fully responsive to the Office Action of February 25, 2004 because of the following omission(s) or matter(s):

As noted in the communication PTO-90C of August 9, 2004, the amendment filed on May 17, 2004 amending all claims drawn to the elected invention to be drawn to a non-elected invention is non-responsive (MPEP 821.03). The Office Action of February 25, 2004 rejected all pending claims under 112 based on the fact that applicant was claiming and arguing patentability of a recording apparatus elected and ongoingly prosecuted in response to the Restriction requirement mailed January 31, 2002. Applicant has now amended the claims to be drawn to a combination recording/reproducing system/method and argued patentability based thereon citing portions of the disclosure drawn to reproducing structure that "may" show claimed limitations in contention in the 112 rejection. As set forth in the Office Action of February 25, 2004, paragraphs 2 and 3, given the fact that applicant is now claiming and arguing the combination recording/reproducing system/method, this invention is patentably distinct from the elected and previously prosecuted recording apparatus invention because the current claims as evidenced by at least claim 22 do not require "extracting means" and "clock generating means", which limitations were required by the originally elected recording apparatus.

In the reply filed on September 13, 2004, the applicant insists that the pending claims fall within the elected invention because the pending claims allegedly still fall within elected Group I as the claims are directed to, for example, a system that "records". This is not a valid argument for the following reasons. The examiner notes that it was the applicant that argued that the claims were drawn to a recording apparatus and not a recording/reproducing apparatus. On page 9, 4th paragraph of the amendment dated August 1, 2003, the applicant clearly stated that claims 18-24, 26-28, 30, 33, 34, 38, 42 and 43 have been amended "to clearly and distinctly describe the recording apparatus".

Hence, the reply filed May 17, 2004 and September 13, 2004 are both non-responsive.

See MPEP 714.03. The period for response continues to run ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of the first Notice of Non-responsive amendment.

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11/16/05